

**Frequently Asked Questions About
Proposed Amendments to Regulation XIII – *New Source Review*
Regulation XVII – *Prevention of Significant Deterioration* and conforming changes to
Rule 1401 – *New Source Review for Toxic Air Contaminants***

Why are the NSR & PSD Rules Being Amended?

The 2015 change to the Ozone (O₃) National Ambient Air Quality Standards (NAAQS) and the designation of the AVAQMD as nonattainment for O₃ triggered a set of Federal Clean Air Act (FCAA) mandatory submission requirements including a certification that the AVAQMD's Nonattainment New Source Review (NSR) program meets or exceeds FCAA requirements. This certification and rule modifications if necessary are required to be submitted to USEPA on or before August 3, 2021. The USEPA has indicated that a significant number of NSR rules in California, including those in the neighboring Mojave Desert AQMD and South Coast AQMD, cannot make this certification due to a number of alleged deficiencies. Since AVAQMD's NSR and PSD rules are derived from and highly similar to the rules in the neighboring district many of the same alleged deficiencies are present in the AVAQMD's rules. The MDAQMD has recently concluded an intensive process with USEPA to address the deficiencies and the AVAQMD is proposing to utilize this work as a basis for its own proposed amendments.

What is Proposed to be Changed?

A good portion of the contemplated changes are simply clarifications of existing policy and definitional additions for clarity and consistency. The proposed substantive changes are as follows:

- Addition of a Stack Height Analysis (Required by 40 CFR 51.164).
- Addition of a 30-day Notice & Comment Period for certain “Minor NSR” permitting actions.
- Additions of provisions to allow for E-noticing of NSR permitting actions.
- Addition of provisions to allow PSD permitting, Title V Permit issuance and modifications; and certain Toxic NSR actions to be performed and noticed concurrently with the NSR actions if the applicant so wishes.
- Bifurcation of the applicability calculations for BACT and Offsets from the calculations used to determine how many offsetting emissions reductions are necessary.
- Removal of Rule 1310 as it was effectively unused due to the impact of other, non-air quality, requirements of State law (CEQA).
- Reformatting and restructuring Regulation XVII from its current South Coast AQMD derived formulation to an “adoption by reference” formulation which should allow the AVAQMD to obtain PSD delegation and local control over PSD permitting activities.

How Will These Changes Affect My Facility?

The proposed changes will primarily affect the calculations and methodologies used in the AVAQMD's engineering analysis. Applicability thresholds will remain the same and the net result in terms of permit conditions should also remain the same. Amounts of offsetting emissions reductions needed, when such are required, is not proposed to change. Certain “Minor NSR” permitting activities will require a 30-day notice and comment period before construction can commence and a 45-day review period will be required if you choose to have a Title V Permit modification performed concurrently with NSR review.

How Do I Learn More?

A redline version indicating specific language changes in underline/strikeout format and containing *[bracketed and italicized]* notations regarding the reason for each change along with a Draft Staff Report is available for download on the AVAQMD website at <https://avaqmd.ca.gov/rule-plan-development>. Further information can be obtained by contacting either Bret Banks – bbanks@avaqmd.ca.gov or Karen K. Nowak – k2nowak@mdaqmd.ca.gov.

How Can I Participate in the Rule Development Process?

You may submit comments via email to the addresses above or in writing to the District Offices at 43301 Division Street, Ste 206, Lancaster, CA, 93535-4649. You may also participate in Governing Meetings where the proposed amendments will be discussed. An informative “Set Date” item has been placed on the May 18, 2021 Governing Board Agenda and the Public Hearing on the amendment has been scheduled for June 15, 2021. Further meeting information may be obtained at <https://avaqmd.ca.gov/governing-board>.